

AMENDED IN ASSEMBLY APRIL 5, 2016  
AMENDED IN ASSEMBLY MARCH 18, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2615**

**Introduced by Assembly Member Wood**

February 19, 2016

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~~An act to amend Sections 8423, 84726, 8483.3, 8483.7, and 8484 of the Education Code, relating to after school programs. An act to amend Sections 8422, 8423, 8426, 8427, 8482.3, 8482.4, 8482.6, 8482.8, 8483.3, 8483.7, 8484, and 8484.8 of, and add Section 8426.5 to, the Education Code, relating to after school programs.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2615, as amended, Wood. After school programs.

*(1) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens program, under the administration of the State Department of Education, and requires a high school after school program, established as specified, to consist of an academic assistance element and an enrichment element that include certain things. Existing law requires applicants for grants to ensure that certain requirements are fulfilled.*

*This bill would, among other things, (1) authorize a school program participating in the state program to charge family fees, as specified, (2) authorize the department to withhold or terminate grant allocations that do not comply with specified reporting requirements required by the department, and (3) allow participating school programs to transfer program services to another schoolsite within the same local educational agency under specified circumstances.*

(2) Existing law establishes the After School Education and Safety Program (ASES) to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools, as specified.

This bill would, among other things, (1) specify that grades to be served by participating school programs may be determined by local needs, (2) require participating school programs that charge family fees to waive or reduce the cost of these fees for pupils who are eligible for free or reduced-price meals, and (3) define “urban and rural areas” and “northern, southern, and central California” for purposes of a specified provision of the ASES requiring, to the extent possible, equitable distribution of grant awards across the state.

(3) Existing law states the intent of the Legislature that the 21st Century Community Learning Centers (21st CCLC) program contained within a specified federal act complement ASES. Existing law requires at least 40% of the total amount appropriated pursuant to the 21st CCLC program, except as specified, to be allocated to programs serving elementary and middle school pupils and at least 50% of the total amount appropriated, except as specified, to be allocated on a priority basis for after school grants to community learning centers serving high school pupils.

This bill would require the department to allocate those funds to each geographic region of the state, as specified.

~~Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens (High School ASSETs) program, under the administration of the State Department of Education, and requires a high school after school program, established as specified, to consist of an academic assistance element and an enrichment element that include certain things. Existing law requires applicants for grants to ensure that certain requirements are fulfilled. Existing law requires, to the extent possible, the selection of applicants by the department to result in an equitable distribution of grant awards to applicants in northern, southern, and central California and in urban, suburban, and rural areas of the state.~~

~~This bill would define “urban and rural areas” and “northern, southern, and central California” for purposes of that provision requiring, to the extent possible, equitable distribution of grant awards across the state. The bill would authorize the department to withhold or terminate the grant allocation of any site or program that does not comply with specified reporting requirements.~~

~~Existing law establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools, as specified. Existing law requires, to the extent possible, the selection of applicants by the department to result in an equitable distribution of grant awards to applicants in northern, southern, and central California and in urban, suburban, and rural areas of California. Existing law authorizes the department to terminate the grant of any site or program that does not comply with specified reporting requirements.~~

~~This bill would also authorize the department to withhold the grant allocation of any site or program that does not comply with these reporting requirements and would add audit resolutions to the list of these reporting requirements. The bill would define “urban and rural areas” and “northern, southern, and central California” for purposes of the provision requiring, to the extent possible, equitable distribution of grant awards across California.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8422 of the Education Code is amended  
2     to read:

3     8422. (a) Priority for funding pursuant to this article shall be  
4     given to programs that previously received funding pursuant to  
5     Section 8421, for expansion of existing grants up to the per site  
6     maximum established under paragraph (1) of subdivision (a) of  
7     Section 8426, or to replace expiring grants that have satisfactorily  
8     met their projected attendance goals.

9     (b) A program established pursuant to this article shall be  
10    planned through a collaborative process that includes parents,  
11    pupils, representatives of participating schools, governmental  
12    agencies, including city and county parks and recreation  
13    departments, community organizations, law enforcement, and, if  
14    appropriate, the private sector.

15    (c) *Every pupil attending a school operating a program pursuant*  
16    *to this article is eligible to participate in the program, subject to*  
17    *program capacity. A program established pursuant to this article*  
18    *is not required to may charge family fees. Programs that charge*  
19    *family fees shall waive or to conduct individual eligibility*

~~determinations based on need reduce the cost of these fees for pupils who are eligible for free or income-reduced-price meals.~~

(d) A program established pursuant to this article shall have the option of operating under either of the following modes:

(1) After school only.

(2) After school and during any combination of before school, weekends, summer, intersession, and vacation.

*SEC. 2. Section 8423 of the Education Code is amended to read:*

8423. (a) (1) The department shall select grantees to participate in the 21st Century High School After School Safety and Enrichment for Teens program from among applicants that apply on forms and in a manner prescribed by the department. To the extent possible, the selection of applicants by the department shall result in an equitable distribution of grant awards to applicants in northern, southern, and central California, and in ~~urban, suburban, urban~~ and rural areas of the state.

(2) *For purposes of paragraph (1), the following terms shall have the following meanings:*

(A) “Central California” means California County Superintendents Educational Services Association regions five to eight, inclusive.

(B) “Northern California” means California County Superintendents Educational Services Association regions one to four, inclusive.

(C) “Southern California” means California County Superintendents Educational Services Association regions 9 to 11, inclusive.

(D) “Urban and rural areas” shall be as defined by the United States Census Bureau.

(b) The department shall consider the following criteria in awarding grants:

(1) Strength of the educational element and coordination with state academic standards, preparation for the high school exit examination, and other academic interventions.

(2) Strength of the enrichment element.

(3) Evidence of community collaboration, including demonstrated support of the principal and staff from participating schools.

1 (4) A description of the manner in which programs will provide  
2 a safe physical and emotional environment and opportunities for  
3 relationship building, and promote active pupil engagement.

4 (5) A description of the manner in which the program design  
5 will be periodically reexamined in order to maintain strong pupil  
6 interest.

7 (6) A description of plans to attract pupils, particularly pupils  
8 considered at risk or in need of academic support, on a regular  
9 basis.

10 (c) The application shall certify all of the following:

11 (1) Completion of an assessment of pupils' preferences for  
12 program activities.

13 (2) Access to, and availability of, computers and technology.

14 (3) Inclusion of a nutritional snack, meal, or both, and a physical  
15 activity element.

16 (4) That the program will meet all of the evaluation  
17 requirements.

18 (5) Fiscal accountability.

19 (6) Collection and use of pupil social, behavioral, or skill  
20 development data collection to support quality program  
21 improvement processes. These pupil data outcomes may relate to  
22 specific social-emotional competencies, including, but not  
23 necessarily limited to, social skills, self-control, academic mindset,  
24 perseverance, conflict resolution, and school-connectedness.

25 *SEC. 3. Section 8426 of the Education Code is amended to*  
26 *read:*

27 8426. (a) (1) A grantee that establishes a program pursuant  
28 to this chapter is eligible to receive a five-year grant of up to two  
29 hundred fifty thousand dollars (\$250,000) per year per site in a  
30 program, subject to semiannual attendance reporting. Funding for  
31 a grant shall be allocated in annual increments for a period of not  
32 more than five years, contingent upon the availability and  
33 appropriation of federal funds by the Legislature for those grants.

34 (2) The department shall notify new grantees of their award  
35 status and dollar amount of the award, if any, in writing on or  
36 before May 15 of each year in which new grants are awarded. The  
37 grantee shall notify the department in writing of its acceptance of  
38 the grant.

39 (3) A first-year grant award shall be made no later than 60 days  
40 after enactment of the annual Budget Act and any authorizing

1 legislation. A grant award for the second and subsequent fiscal  
2 years shall be made no later than 30 days after enactment of the  
3 annual Budget Act and any authorizing legislation.

4 *(4) A grantee who receives funds pursuant to this article as part*  
5 *of a partnership or consortium may restructure the partnership*  
6 *or consortium if all of the following conditions are met:*

7 *(A) All partners or consortium members agree to the restructure.*

8 *(B) The new consortia or partnership structure, or structures,*  
9 *complies with the requirements of paragraph (8) of subdivision*  
10 *(f) of Section 8421, as applicable.*

11 *(C) There is no change in the school, or schools, served by the*  
12 *restructured partnership or consortium.*

13 *(D) The department agrees to the restructure.*

14 (b) The department shall allocate 25 percent of the grant amount  
15 each year no later than 30 days after the grant award acceptance  
16 letter is received by the department.

17 (c) (1) Not more than 15 percent of each annual grant amount  
18 may be used by a grantee for administrative costs. For purposes  
19 of this article, administrative costs shall include indirect costs.  
20 Indirect costs shall not exceed the lesser of the following:

21 (A) The grantee's indirect cost rate, as approved by the  
22 department for the appropriate fiscal year.

23 (B) Five percent of the state program funding received pursuant  
24 to this article.

25 (2) In addition to the funding allowed for administrative costs  
26 pursuant to paragraph (1), up to 15 percent of the first year's annual  
27 grant award for each after school grant recipient may be used for  
28 startup costs.

29 (3) Funding made available pursuant to this subdivision shall  
30 not result in an increase in the total funding of a grantee above the  
31 approved grant amount.

32 (d) Grantees are subject to semiannual attendance reporting  
33 during each year of the grant.

34 (1) The department shall provide technical support for  
35 development of a program improvement plan for grantees under  
36 either of the following conditions:

37 (A) If actual pupil attendance falls below 75 percent of the  
38 proposed levels in any year of the grant.

39 (B) If the grantee fails, in any year of the grant, to demonstrate  
40 measurable outcomes pursuant to Section 8427.

1 (2) If the actual pupil attendance falls below 75 percent of the  
2 proposed attendance level at the end of the second year of the  
3 grant, the department may reduce funding for the grantee.

4 (3) The department shall adjust the grant level of any school in  
5 the program that is under its proposed attendance level by more  
6 than 15 percent in each of two consecutive years.

7 (4) In any year, after the first grant-year period, that the actual  
8 attendance level of a school within the program falls below 75  
9 percent of the proposed attendance level, the department shall  
10 perform a review of the program and may adjust the grant level  
11 as the department deems appropriate.

12 (e) Notwithstanding any other provision of this section or any  
13 other law, the department may at any time terminate the grant of  
14 a school in a public school program that fails in three consecutive  
15 years to meet either of the following requirements:

16 (1) Demonstrate program outcomes pursuant to Section 8427.

17 (2) Attain 75 percent of its proposed attendance levels after  
18 having its program reviews and grant level adjusted by the  
19 department.

20 (f) The department shall create a process to allow a grantee to  
21 voluntarily lower its annual grant amount if one or more sites are  
22 unable to meet the proposed pupil attendance levels by the end of  
23 the second year of the grant.

24 (g) (1) The administrator of a program may supplement, but  
25 not supplant, existing funding for after school programs with grant  
26 funds awarded pursuant to this article.

27 (2) In addition to administrative costs, a program participant  
28 may expend up to the greater of 6 percent of its state funding or  
29 seven thousand five hundred dollars (\$7,500) to collect outcome  
30 data for evaluation and for reports to the department.

31 (3) All state funding awarded to a program pursuant to this  
32 article that remains after subtracting the administrative costs,  
33 startup costs, and outcome data costs authorized by subdivisions  
34 (c) and (d) shall be allocated to the program site for direct services  
35 to pupils.

36 (h) When determining grant award amounts after each grant  
37 year, the department may consider whether a program is operating  
38 consistent with the terms of its application, including whether the  
39 number of pupils served on a regular basis is consistent with the  
40 number estimated, and may consider the strength of any

1 justifications or future plans offered by the program to address  
2 inconsistencies with the terms of the application. If the department  
3 finds that a program is not operating consistent with the terms of  
4 its application, the department may take appropriate action,  
5 including denying grant awards or reducing the level of grant  
6 funding.

7 *(i) The department may withhold or terminate grant allocation*  
8 *of any site or program that does not comply with audit resolutions,*  
9 *fiscal reporting, attendance reporting, or outcomes reporting*  
10 *requirements required by the department.*

11 *(j) If a program grantee is temporarily prevented from operating*  
12 *its entire program due to natural disaster, civil unrest, or imminent*  
13 *danger to pupils or staff, the department may approve a request*  
14 *by the grantee for pupil attendance credits equal to the average*  
15 *annual attendance that the grantee would have received if it had*  
16 *been able to operate its entire program during that time period.*

17 SEC. 4. Section 8426.5 is added to the Education Code, to  
18 read:

19 8426.5. (a) (1) *If there is a significant barrier to pupil*  
20 *participation in a program established pursuant to this article at*  
21 *the school of attendance, a grantee may request approval from*  
22 *the department to transfer program services to another schoolsite*  
23 *within the same local educational agency. The schoolsite to which*  
24 *the program will be transferred shall satisfy either of the following*  
25 *requirements:*

26 *(A) The schoolsite shall receive pupils from, and have a grant*  
27 *of the same type awarded pursuant to this article as, the*  
28 *transferring school.*

29 *(B) The schoolsite shall not have a 10-percent lower percentage*  
30 *of pupils eligible for free or reduced-price meals than the*  
31 *transferring school. If the proposed schoolsite is not yet open,*  
32 *feeder school free or reduced-price meal data, as determined by*  
33 *the department, shall be considered in evaluating the proposed*  
34 *transfer.*

35 *(2) The schoolsite shall not increase the funding at the proposed*  
36 *schoolsite above the maximum after school grant amount*  
37 *established under paragraph (1) of subdivision (a) of Section 8426.*  
38 *An applicant that requests approval to transfer program services*  
39 *shall describe the manner in which the applicant intends to provide*  
40 *safe, supervised transportation; ensure communication among*

1 *teachers in the regular school program, staff in the before school*  
2 *and after school components of the program, and parents of pupils;*  
3 *and coordinate the educational and literacy component of the*  
4 *before and after school components of the program with the regular*  
5 *school programs of participating pupils.*

6 *(b) For purposes of this article, a significant barrier to pupil*  
7 *participation in the before or after school component of a program*  
8 *established pursuant to this chapter means any of the following:*

9 *(1) Fewer than 20 pupils participating in the component of the*  
10 *program.*

11 *(2) Extreme transportation constraints, including, but not limited*  
12 *to, desegregation bussing, bussing for magnet or open enrollment*  
13 *schools, or pupil dependence on public transportation.*

14 *(3) A local educational agency opens a new schoolsite and*  
15 *either merges the program of an existing schoolsite with the new*  
16 *schoolsite or splits the program of the existing schoolsite with the*  
17 *new schoolsite so that the existing schoolsite is subject to a grant*  
18 *reduction pursuant to subdivision (d) of Section 8426.*

19 *SEC. 5. Section 8427 of the Education Code is amended to*  
20 *read:*

21 *8427. (a) A high school after school program established*  
22 *pursuant to this article shall submit to the department annual*  
23 *outcome-based data for evaluation.*

24 *(1) To demonstrate program effectiveness, grantees shall submit,*  
25 *using the unique statewide pupil identifiers for participating pupils*  
26 *who are unduplicated pupils, both of the following:*

27 *(A) Schoolday attendance on an annual basis.*

28 *(B) Program attendance on a semiannual basis.*

29 *(2) Programs shall submit evidence of a data-driven program*  
30 *quality improvement process that is based on the department's*  
31 *guidance on program quality standards developed pursuant to*  
32 *paragraph-(4). (3).*

33 *(3) The department may develop additional measures to*  
34 *demonstrate program effectiveness, including, but not limited to,*  
35 *program quality standards. Additions shall be developed in*  
36 *consultation with the advisory committee pursuant to Section*  
37 *8484.9.*

38 *(4) Programs shall submit information to the department through*  
39 *the process used in subdivision (b) of Section 8421.5.*

(b) (1) If a program consistently fails to demonstrate measurable program outcomes for three consecutive years, the department may terminate the program pursuant to the process described in subdivision (e) of Section 8426. The department shall consider multiple outcomes and not rely on one outcome in isolation.

(2) For purposes of this subdivision, “consistently fails to demonstrate measurable program outcomes” means failure to meet program effectiveness requirements pursuant to the criteria in paragraphs (1) and (2) of subdivision (a).

(3) Measurable program outcomes may be demonstrated by, but are not limited to, the following methods:

(A) Comparing pupils participating in the program to nonparticipating pupils at the same schoolsite.

(B) Pupils participating in the program demonstrate improvement on one or more indicators collected by the program pursuant to this section.

(c) The department shall identify or develop standardized procedures and tools to collect the indicators in paragraphs (1) and (2) of subdivision (a) in accordance with the recommendations made pursuant to paragraph (5) of subdivision (h) of Section 8484.9.

*SEC. 6. Section 8482.3 of the Education Code is amended to read:*

8482.3. (a) The After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. *The grades to be served by the program at participating schools may be determined by local needs.*

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) (1) Each component of a program established pursuant to this article shall consist of the following two elements:

(A) An educational and literacy element in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

1 (B) An educational enrichment element that may include, but  
2 need not be limited to, fine arts, career technical education,  
3 recreation, physical fitness, and prevention activities.

4 (2) Notwithstanding any other provision of this article, the  
5 majority of the time spent by a pupil who is in kindergarten or any  
6 of grades 1 to 9, inclusive, and who is participating in a career  
7 technical education element of a program established pursuant to  
8 this article shall be at a site that complies with Section 8484.6.

9 (d) (1) Applicants shall agree that snacks made available  
10 through a program shall conform to the nutrition standards in  
11 Article 2.5 (commencing with Section 49430) of Chapter 9 of Part  
12 27 of Division 4 of Title 2.

13 (2) Applicants shall agree that meals made available through a  
14 program shall conform to the nutrition standards of the United  
15 States Department of Agriculture's at-risk afterschool meal  
16 component of the Child and Adult Care Food Program (42 U.S.C.  
17 Sec. 1766).

18 (e) Applicants for programs established pursuant to this article  
19 may include any of the following:

20 (1) A local educational agency, including, but not limited to, a  
21 charter school, the California School for the Deaf (northern  
22 California), the California School for the Deaf (southern  
23 California), and the California School for the Blind.

24 (2) A city, county, or nonprofit organization in partnership with,  
25 and with the approval of, a local educational agency or agencies.

26 (f) Applicants for grants pursuant to this article shall ensure that  
27 each of the following requirements is fulfilled, if applicable:

28 (1) The application documents the commitments of each partner  
29 to operate a program on that site or sites.

30 (2) The application has been approved by the school district, or  
31 the charter school governing body, and the principal of each  
32 participating school for each schoolsite or other site.

33 (3) Each partner in the application agrees to share responsibility  
34 for the quality of the program.

35 (4) The application designates the public agency or local  
36 educational agency partner to act as the fiscal agent. *The fiscal*  
37 *agent may be changed upon approval by the department if the new*  
38 *fiscal agent is a local educational agency or public agency partner.*  
39 For purposes of this section, "public agency" means only a county

1 board of supervisors ~~or~~ or, if the city is incorporated or has a  
2 charter, a city council.

3 (5) Applicants agree to follow all fiscal reporting and auditing  
4 standards required by the department.

5 (6) Applicants agree to incorporate into the program both of the  
6 elements required pursuant to subdivision (c).

7 (7) Applicants agree to provide information to the department  
8 for the purpose of program evaluation pursuant to Section 8483.55.

9 (8) Applicants shall certify that program evaluations will be  
10 based upon Section 8484 and upon any requirements recommended  
11 by the Advisory Committee on Before and After School Programs  
12 and adopted by the state board, in compliance with subdivision  
13 (g) of Section 8482.4.

14 (9) The application states the targeted number of pupils to be  
15 served by the program.

16 (10) Applicants agree to provide the following information on  
17 participating pupils to the department:

18 (A) Schoolday attendance rates.

19 (B) Program attendance.

20 (g) (1) Grantees shall review their after school program plans  
21 every three years, including, but not limited to, all of the following:

22 (A) Program goals. A grantee may specify any new program  
23 goals that will apply to the following three years during the grant  
24 renewal process.

25 (B) Program content, including the elements identified in  
26 subdivision (c).

27 (C) Outcome measures selected from those identified in  
28 subdivision (a) of Section 8484 that the grantee will use for the  
29 next three years.

30 (D) Any other information requested by the department.

31 (E) If the program goals or outcome measures change as a result  
32 of this review, the grantee shall notify the department in a manner  
33 prescribed by the department.

34 (F) The grantee shall maintain documentation of the after school  
35 program plan for a minimum of five years.

36 (2) The department shall monitor this review as part of its onsite  
37 monitoring process.

38 *SEC. 7. Section 8482.4 of the Education Code is amended to*  
39 *read:*

1     8482.4. (a) The department shall review applications submitted  
2 under this article to determine whether the applicable requirements  
3 in subdivision (f) of Section 8482.3 have been fulfilled.

4     (b) The department shall use the per-pupil formulas established  
5 pursuant to subparagraph (C) of paragraph (1) of subdivision (a)  
6 of Section 8483.7 and the targeted number of pupils to be served,  
7 as established pursuant to paragraph (9) of subdivision (f) of  
8 Section 8482.3, to determine the appropriate grant amount.

9     (c) (1) A grantee that establishes a program pursuant to this  
10 chapter is eligible to receive a three-year renewable grant subject  
11 to semi-annual reporting. Funding for a grant shall be allocated in  
12 annual increments for a period of not more than three years,  
13 contingent upon the availability of funds for those grants pursuant  
14 to Section 8483.5.

15     (2) *A grantee who receives funds pursuant to this article as part*  
16 *of a partnership or consortium may restructure the partnership*  
17 *or consortium if all of the following conditions are met:*

18     (A) *All partners of the partnership or consortium agree to the*  
19 *restructure.*

20     (B) *The new consortia or partnership structure, or structures,*  
21 *complies with the requirements of subdivision (f) of Section 8482.3,*  
22 *as applicable.*

23     (C) *There is no change in the school, or schools, served by the*  
24 *restructured partnership or consortium.*

25     (D) *The department approves the restructure.*

26     (3) *Restructure of a partnership or consortium pursuant to*  
27 *paragraph (2) may occur only at the time of grant renewal*  
28 *pursuant to the requirements of this article.*

29     (d) The department shall notify new grantees of their award  
30 status and dollar amount of the award, if any, in writing on or  
31 before May 15 of each year in which new grants are awarded.

32     (e) A first-year grant award shall be made no later than 60 days  
33 after enactment of the annual Budget Act and any authorizing  
34 legislation. A grant award for the second and subsequent fiscal  
35 years shall be made no later than 30 days after enactment of the  
36 annual Budget Act and any authorizing legislation.

37     (f) The department shall allocate 65 percent of the first-year  
38 grant amount no later than 30 days after the grantee submits the  
39 grant award acceptance letter to the department. Of the remaining  
40 35 percent of the grant, the department shall allocate 25 percent

1 or more of the funds within the operational period of the program  
2 and may retain up to 10 percent of the total grant until all  
3 administrative requirements of the grant have been met. For the  
4 second and subsequent years of the grant, the department shall  
5 allocate 65 percent of the annual grant amount for that year no  
6 later than 30 days after the annual Budget Act becomes effective.  
7 Of the remaining 35 percent of the grant, the department shall  
8 allocate 25 percent or more of the funds within the operational  
9 period of the program and may retain up to 10 percent of the total  
10 grant until all administrative requirements of the grant have been  
11 met.

12 (g) The Advisory Committee on Before and After School  
13 Programs shall make recommendations on reporting requirements  
14 for program evaluation and review consistent with subdivision (b)  
15 of Section 8483.55 to the department on or before June 30, 2007.  
16 The department shall review the committee's recommendations  
17 and present them, along with the department's recommendations,  
18 to the state board on or before September 30, 2007. The state board  
19 shall adopt requirements for program evaluation and review on or  
20 before November 30, 2007.

21 (h) (1) The department shall provide notice to all schools  
22 eligible for grants pursuant to this article regarding the availability  
23 of those grants and the application process.

24 (2) The department shall make the application available through  
25 its Internet Web site. The department shall determine the dates by  
26 which applications will be periodically considered for funding.

27 *SEC. 8. Section 8482.6 of the Education Code is amended to*  
28 *read:*

29 8482.6. Every pupil attending a school operating a program  
30 pursuant to this article is eligible to participate in the program,  
31 subject to program capacity. A program established pursuant to  
32 this article ~~is not required to~~ may charge family fees. *Programs*  
33 *that charge family fees shall waive or conduct individual eligibility*  
34 ~~determination based on need~~ *reduce the cost of these fees for pupils*  
35 *who are eligible for free or income-reduced-price meals.*

36 *SEC. 9. Section 8482.8 of the Education Code is amended to*  
37 *read:*

38 8482.8. (a) (1) *If there is a significant barrier to pupil*  
39 *participation in a program established pursuant to this article at*  
40 *the school of attendance, a grantee may request approval from*

1 the department to transfer program services to another schoolsite  
2 within the same local educational agency. The schoolsite to which  
3 the program will be transferred shall satisfy either of the following  
4 requirements:

5 (A) The schoolsite shall agree to receive pupils from, and have  
6 an existing grant of the same type as, the school of attendance with  
7 the pupil participation barrier.

8 (B) The schoolsite shall not have a 10-percent lower percentage  
9 of pupils eligible for free or reduced-price meals than the school  
10 of attendance with the pupil participation barrier. If the proposed  
11 schoolsite is not yet open, feeder school free or reduced-price meal  
12 data, as determined by the department, shall be considered in  
13 evaluating the proposed transfer.

14 (a)

15 (2) ~~If there is a significant barrier to pupil participation in a~~  
16 ~~program established pursuant to this article~~ The schoolsite shall  
17 not increase the funding at the school of attendance for either  
18 proposed schoolsite above the before school or the maximum after  
19 school component, an applicant may request approval from the  
20 Superintendent, before or during the grant application process, to  
21 provide services at another schoolsite for that component. amount  
22 established in subparagraph (C) of paragraph (1) of subdivision  
23 (a) of Section 8483.7. An applicant that requests approval to  
24 transfer program services shall describe the manner in which the  
25 applicant intends to provide safe, supervised transportation between  
26 schoolsites; transportation; ensure communication among teachers  
27 in the regular school program, staff in the before school and after  
28 school components of the program, and parents of pupils; and  
29 coordinate the educational and literacy component of the before  
30 and after school components of the program with the regular school  
31 programs of participating pupils.

32 (b) For purposes of this article, a significant barrier to pupil  
33 participation in the before school or the after school component  
34 of a program established pursuant to this chapter means either any  
35 of the following:

36 (1) Fewer than 20 pupils participating in the component of the  
37 program.

38 (2) Extreme transportation constraints, including, but not limited  
39 to, desegregation bussing, bussing for magnet or open enrollment  
40 schools, or pupil dependence on public transportation.

1 (3) A local educational agency opens a new schoolsite and  
2 either merges the program of an existing schoolsite with the new  
3 schoolsite or splits the program of an existing schoolsite with the  
4 new schoolsite so that the existing schoolsite is subject to a grant  
5 reduction pursuant to subparagraph (A) of paragraph (1) of  
6 subdivision (a) of Section 8483.7.

7 (c) In addition to the authority to transfer funds among school  
8 programs pursuant to Sections 8483.7 and 8483.75, and in addition  
9 to the flexibility provided by subdivisions (a) and (b), a program  
10 grantee that is temporarily prevented from operating a program  
11 established pursuant to this article at the program site due to natural  
12 disaster, civil unrest, or imminent danger to pupils or staff may  
13 shift program funds to the sites of other programs established  
14 pursuant to this article to meet attendance targets during that time  
15 period.

16 (d) If a program grantee is temporarily prevented from operating  
17 its entire program due to natural disaster, civil unrest, or imminent  
18 danger to pupils or staff, the department may recommend, and the  
19 state board may approve, a request by the grantee for payment  
20 equal to the amount of funding the grantee would have received  
21 if it had been able to operate its entire program during that time  
22 period.

23 (e) Upon the request of a program grantee, the state board may  
24 approve other unforeseen events as qualifying a program grantee  
25 to use the authority provided by subdivisions (c) and (d).

26 *SEC. 10. Section 8483.3 of the Education Code, as amended*  
27 *by Section 14 of Chapter 370 of the Statutes of 2014, is amended*  
28 *to read:*

29 8483.3. (a) The department shall select applicants to participate  
30 in the program established pursuant to this article from among  
31 applicants that apply on forms and in a manner prescribed by the  
32 department. It is the intent of the Legislature that the manner  
33 prescribed by the department, to the extent possible, allow for short  
34 and concise applicant responses. ~~To the extent possible, the~~  
35 ~~selection of applicants by the department shall result in an equitable~~  
36 ~~distribution of grant awards pursuant to Section 8483.7 to~~  
37 ~~applicants in northern, southern, and central California, and in~~  
38 ~~urban, suburban, and rural areas of California.~~

(b) The department shall consider the following in selecting schools to participate in the program established pursuant to this article:

(1) Percentage of pupils eligible for free and reduced-price lunch.

(2) Other indicators of need for the program, including, but not limited to, socioeconomic status of the neighborhoods in which participating pupils reside, the percentage of English language learners at the school, and the availability of programs in the community in which participating pupils reside.

(c) The application shall certify all of the following:

(1) Inclusion of an educational element.

(2) Inclusion of an enrichment element. These opportunities may include arts, career technical education, recreation, technology, and other activities to support positive youth development.

(3) That the program will provide a safe physical and emotional environment, opportunities for relationship building, and promote active pupil engagement.

(4) Staff training and development will be provided.

(5) Integration with the regular schoolday and other expanded learning opportunities.

(6) Community collaboration, including, but not limited to, demonstrated support of the schoolsite principal and staff.

(7) Opportunities for physical activity.

(8) Inclusion of a nutritional snack, meal, or both.

(9) Fiscal accountability.

(10) Availability of required local matching funds.

(11) That the program will meet all of the evaluation requirements.

(12) Collection and use of pupil social, behavioral, or skill development data collection to support quality program improvement processes. These pupil data outcomes may relate to specific social-emotional competencies, including, but not necessarily limited to, social skills, self-control, academic mindset, perseverance, conflict resolution, and school-connectedness.

(d) Subdivision (b) does not apply to an applicant school that meets the priority criteria described in subdivision (a) of Section 8482.5.

*SEC. 11. Section 8483.7 of the Education Code is amended to read:*

8483.7. (a) (1) (A) Each school that establishes a program pursuant to this article is eligible to receive a three-year after school grant, that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and requirements as described in Section 8482.3 once every three years.

(i) The department shall provide technical support for development of a program improvement plan for grantees under the following conditions:

(I) If actual pupil attendance falls below 75 percent of the target attendance level in any year of the grant.

(II) If the grantee fails, in any year of the grant, to demonstrate measurable outcomes pursuant to Section 8484.

(ii) The department shall adjust the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years.

(iii) In any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.

(iv) The department shall create a process to allow a grantee to voluntarily lower its annual grant amount if one or more sites are unable to meet the proposed pupil attendance levels by the end of the second year of the grant.

(v) A grantee who has had its grant amount reduced may subsequently request an increase in funding up to the maximum grant amounts provided under this subdivision.

(vi) The department may *withhold or* terminate the grant *allocation* of any site or program that does not comply with *audit resolutions*, fiscal reporting, attendance reporting, or outcomes reporting requirements ~~established required by the department and pursuant to Section 8484. The department may withhold the grant allocation for a program or site if the prior grant year's fiscal or attendance reporting remains outstanding, until the reports have been filed with the department.~~

(vii) Notwithstanding any other provision of this subdivision or any other law, after the technical assistance required under clause (i) has been provided, the department may at any time terminate the grant of a school in a program that fails for three consecutive years to meet either of the following requirements:

1 (I) Demonstrate measurable program outcomes pursuant to  
2 Section 8484.

3 (II) Attain 75 percent of its proposed attendance level after  
4 having had its program reviewed and grant level adjusted by the  
5 department.

6 (B) After school grants may be awarded to applicants that have  
7 demonstrated readiness to begin operation of a program or to  
8 expand existing programs.

9 (C) The maximum total after school grant amount awarded  
10 annually pursuant to this paragraph shall be one hundred twelve  
11 thousand five hundred dollars (\$112,500) for each regular school  
12 year for each elementary school and one hundred fifty thousand  
13 dollars (\$150,000) for each regular school year for each middle or  
14 junior high school. The Superintendent shall determine the total  
15 annual after school grant amount for which a site is eligible based  
16 on a formula of seven dollars and fifty cents (\$7.50) per pupil per  
17 day of pupil attendance that the program plans to serve, with a  
18 maximum total grant of thirty-seven dollars and fifty cents (\$37.50)  
19 per projected pupil per week, and a formula of seven dollars and  
20 fifty cents (\$7.50) per projected pupil per day of staff development,  
21 with a maximum of three staff development days per year. A  
22 program may provide the three days of staff development during  
23 regular program hours using funds from the total grant award.

24 (2) For large schools, the maximum total grant amounts  
25 described in paragraph (1) may be increased based on the following  
26 formulas, up to a maximum amount of twice the respective limits  
27 specified in paragraph (1):

28 (A) For elementary schools, multiply one hundred thirteen  
29 dollars (\$113) by the number of pupils enrolled at the schoolsite  
30 for the normal schoolday program that exceeds 600.

31 (B) For middle schools, multiply one hundred thirteen dollars  
32 (\$113) by the number of pupils enrolled at the schoolsite for the  
33 normal schoolday program that exceeds 900.

34 (3) The maximum total grant amounts set forth in subparagraph  
35 (C) of paragraph (1) may be increased from any funds made  
36 available for this purpose in the annual Budget Act for participating  
37 schools that have pupils on waiting lists for the program. Grants  
38 may be increased by the lesser of an amount that is either 25  
39 percent of the current maximum total grant amount or equal to the  
40 proportion of pupils unserved by the program as measured by

1 documented waiting lists as of January 1 of the previous grant  
2 year, compared to the actual after school enrollment on the same  
3 date. The amount of the required cash or in-kind matching funds  
4 shall be increased accordingly. First priority for an increased  
5 maximum grant pursuant to this paragraph shall be given to schools  
6 that qualify for funding pursuant to subdivision (b) of Section  
7 8482.55. Second priority shall be given to schools that receive  
8 funding priority pursuant to subdivision (f) of Section 8482.55.

9 (4) The minimum total after school grant amount for each  
10 schoolsite that may be awarded pursuant to this section shall be  
11 computed by multiplying the applicable rate per pupil per day of  
12 pupil attendance by 20 pupils being served for 180 regular  
13 schooldays.

14 (5) A school that establishes a program pursuant to this section  
15 is eligible to receive a summer grant to operate the program in  
16 excess of 180 regular schooldays or during any combination of  
17 summer, intersession, or vacation periods for a maximum of the  
18 lesser of the following amounts:

19 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

20 (B) Thirty percent of the total grant amount awarded to the  
21 school per school year pursuant to subparagraph (C) of paragraph  
22 (1).

23 (C) Notwithstanding subparagraphs (A) and (B), the maximum  
24 total summer grant that may be awarded annually pursuant to this  
25 paragraph shall be thirty-three thousand seven hundred fifty dollars  
26 (\$33,750) for each regular school year for each elementary school  
27 and forty-five thousand dollars (\$45,000) for each regular school  
28 year for each middle or junior high school.

29 (6) Additional funding may be made available for transportation  
30 in programs that meet the requirements of Section 8484.65, in an  
31 amount not to exceed fifteen thousand dollars (\$15,000) per site,  
32 per school year, as funds are available, in accordance with the local  
33 community after school program needs as determined by the  
34 department. Programs shall submit to the department for  
35 consideration evidence of the need for after school transportation  
36 funds specific to after school programs pursuant to this article.  
37 Funding under this paragraph may be used to supplement, but not  
38 supplant, local transportation services.

39 (7) Each program shall provide an amount of cash or in-kind  
40 local funds equal to not less than one-third of the total grant from

1 the school district, governmental agencies, community  
2 organizations, or the private sector. Facilities or space usage may  
3 fulfill not more than 25 percent of the required local contribution.

4 (8) (A) A grantee may allocate, with departmental approval,  
5 up to 125 percent of the maximum total grant amount for an  
6 individual school, so long as the maximum total grant amount for  
7 all school programs administered by the program grantee is not  
8 exceeded.

9 (B) A program grantee that transfers funds for purposes of  
10 administering a program pursuant to subparagraph (A) shall have  
11 an established waiting list for enrollment, and may transfer only  
12 from another school program that has met a minimum of 70 percent  
13 of its attendance goal.

14 (b) The administrator of a program established pursuant to this  
15 article may supplement, but not supplant, existing funding for after  
16 school programs with grant funds awarded pursuant to this article.  
17 State categorical funds for remedial education activities shall not  
18 be used to make the required contribution of local funds for those  
19 after school programs.

20 (c) Up to 15 percent of the initial year's grant amount for each  
21 grant recipient may be used for startup costs. Under no  
22 circumstance shall funding for startup costs result in an increase  
23 in the grant recipient's total funding above the approved grant  
24 amount.

25 (d) For each year of the grant, the department shall award the  
26 total grant amount for that year not later than 30 days after the date  
27 the grantee accepts the grant.

28 (e) The department may adjust the amount of a direct grant,  
29 awarded to a new applicant pursuant to this section, on the basis  
30 of the program start date, as determined by the department.

31 *SEC. 12. Section 8484 of the Education Code is amended to*  
32 *read:*

33 8484. (a) As required by the department, programs established  
34 pursuant to this article shall submit annual outcome-based data for  
35 evaluation. The department may consider these outcomes when  
36 determining eligibility for grant renewal.

37 (1) To demonstrate program effectiveness, grantees shall submit,  
38 using the unique statewide pupil identifiers, for participating pupils  
39 who are unduplicated pupils, both of the following:

40 (A) Schoolday attendance on an annual basis.

1 (B) Program attendance on a semiannual basis.

2 (2) Programs shall submit evidence of a data-driven program  
3 quality improvement process that is based on the department's  
4 guidance on program quality standards developed pursuant to  
5 paragraph (3).

6 (3) The department may develop additional measures for this  
7 ~~subdivision~~ *subdivision*, including, but not limited to, program  
8 quality standards. Additions shall be developed in consultation  
9 with the evaluation committee of the advisory committee.

10 (4) Programs shall submit information adopted through the  
11 process outlined in subdivision (c).

12 (b) (1) If a program consistently fails to demonstrate measurable  
13 program outcomes for three consecutive years, the department  
14 may terminate the program as described in subdivision (a) of  
15 Section 8483.7. The department shall consider multiple outcomes  
16 and not rely on one outcome in isolation.

17 (2) For purposes of this section, "consistently fails to  
18 demonstrate measurable program outcomes" means failure to meet  
19 program effectiveness requirements pursuant to the criteria in  
20 paragraphs (1) and (2) of subdivision (a).

21 (3) Measurable program outcomes may be demonstrated by,  
22 but are not limited to, comparing pupils participating in the  
23 program to nonparticipating pupils at the same schoolsite.

24 (c) The department shall develop standardized procedures and  
25 tools to collect the indicators in paragraphs (1) and (2) of  
26 subdivision (a). The department shall consult with the evaluation  
27 committee of the Advisory Committee on Before and After School  
28 Programs pursuant to Section 8484.9.

29 (d) (1) *To the extent possible, the selection of applicants by the*  
30 *department pursuant to this article shall result in an equitable*  
31 *distribution of grant awards to applicants in northern, southern,*  
32 *and central California, and in urban and rural areas of the state.*

33 (2) *For purposes of paragraph (1), the following terms shall*  
34 *have the following meanings:*

35 (A) "Central California" means California County  
36 Superintendents Educational Services Association regions five to  
37 eight, inclusive.

38 (B) "Northern California" means California County  
39 Superintendents Educational Services Association regions one to  
40 four, inclusive.

1 (C) “Southern California” means California County  
2 Superintendents Educational Services Association regions 9 to 11,  
3 inclusive.

4 (D) “Urban and rural areas” shall be as defined by the United  
5 States Census Bureau.

6 SEC. 13. Section 8484.8 of the Education Code is amended to  
7 read:

8 8484.8. In accordance with Part B of Title IV of the federal  
9 No Child Left Behind Act of 2001 (Public Law 107-110), funds  
10 appropriated in Item 6110-197-0890 of Section 2.00 of the Budget  
11 Act of 2002 are available for expenditure as follows, with any  
12 subsequent allocations for these purposes to be determined in the  
13 annual Budget Act:

14 (a) Beginning with the 2006–07 fiscal year, 5 percent of the  
15 federal funds appropriated through this article shall be available  
16 to the department for purposes of providing technical assistance,  
17 evaluation, and training services, and for contracting for local  
18 technical assistance, for carrying out programs related to 21st  
19 Century Community Learning Centers programs.

20 (1) The department shall provide directly, or contract for,  
21 technical assistance for new programs and any program that is not  
22 meeting attendance or performance goals, or both, and requests  
23 that assistance.

24 (2) (A) Training and support shall include, but is not limited  
25 to, the development and distribution of voluntary guidelines for  
26 physical activity programs established pursuant to subparagraph  
27 (B) of paragraph (1) of subdivision (c) of Section 8482.3, that  
28 expand the learning opportunities of the schoolday.

29 (B) The department shall distribute these voluntary guidelines  
30 for physical activity programs on or before July 1, 2009.

31 (3) In accordance with Part B of Title IV of the federal No Child  
32 Left Behind Act of 2001 (Public Law 107-110), funding for  
33 programs that promote parent involvement and family literacy are  
34 an allowable use of these funds.

35 (b) (1) At least 5 percent of the total amount appropriated  
36 pursuant to this article, after funds have been allocated pursuant  
37 to subdivision (a), shall be available for grants to provide equitable  
38 access and participation in community learning center programs,  
39 in an amount not to exceed twenty-five thousand dollars (\$25,000)

1 per site, per year, according to needs determined by the local  
2 community.

3 (2) For purposes of paragraph (1), the department shall  
4 determine the requirements for eligibility for a grant, consistent  
5 with the following:

6 (A) Consistent with the local partnership approach inherent in  
7 Article 22.5 (commencing with Section 8482), grants awarded  
8 under this subdivision shall provide supplemental assistance to  
9 programs. It is not intended that a grant fund the full anticipated  
10 costs of the services provided by a community learning center  
11 program.

12 (B) In determining the need for a grant pursuant to this  
13 subdivision, the department shall base its determination on a needs  
14 assessment and a determination that existing resources are not  
15 available to meet these needs, including, but not limited to, a  
16 description of how the needs, strengths, and resources of the  
17 community have been assessed, currently available resources, and  
18 the justification for additional resources for that purpose.

19 (C) The department shall award grants for a specific purpose,  
20 as justified by the applicant.

21 (3) To be eligible to receive a grant under this subdivision, the  
22 designated public agency representative for the applicant shall  
23 certify that an annual fiscal audit will be conducted and that  
24 adequate, accurate records will be kept. In addition, each applicant  
25 shall provide the department with the assurance that funds received  
26 under this subdivision are expended only for those services and  
27 supports for which they are granted. The department shall require  
28 grant recipients to submit annual budget reports, and the department  
29 may withhold funds in subsequent years if after school grant funds  
30 are expended for purposes other than as awarded.

31 (4) The department shall require grant recipients to submit  
32 quarterly expenditure reports, and the department may withhold  
33 funds in subsequent years if access or literacy grant funds are  
34 expended for purposes other than as granted.

35 (c) At least 50 percent of the total amount appropriated pursuant  
36 to this article, after funds have been allocated pursuant to  
37 subdivision (a), shall be allocated on a priority basis for after school  
38 grants to community learning centers serving high school pupils  
39 funded pursuant to Section 8421. *The department shall allocate*  
40 *funds to each geographic region described in subdivision (a) of*

1 *Section 8423 by the regional percentage of statewide pupils who*  
2 *are eligible for free or reduced-price meals reported to the*  
3 *department for the immediately preceding fiscal year. Each*  
4 *region's percentage shall be determined by dividing the region's*  
5 *number of pupils eligible for free or reduced-price meals by the*  
6 *statewide number of pupils eligible for free or reduced-price meals.*

7 (d) Grant awards under this section shall be restricted to those  
8 applications that propose primarily to serve pupils that attend  
9 schoolwide programs, as described in Title I of the federal No  
10 Child Left Behind Act of 2001 (Public Law 107-110). Competitive  
11 priority shall be given to applications that propose to serve pupils  
12 in schools designated as being in need of improvement under  
13 subsection (b) of Section 6316 of Title 20 of the United States  
14 Code, and that are jointly submitted by school districts and  
15 community-based organizations.

16 (e) (1) At least 40 percent of the total amount appropriated  
17 pursuant to this article, after funds have been allocated pursuant  
18 to subdivision (a), shall be allocated to programs serving  
19 elementary and middle school pupils. *The department shall allocate*  
20 *funds to each geographic region described in subdivision (d) of*  
21 *Section 8484 by the regional percentage of statewide pupils who*  
22 *are eligible for free or reduced-price meals reported to the*  
23 *department for the immediately preceding fiscal year. Each*  
24 *region's percentage shall be determined by dividing the region's*  
25 *number of pupils eligible for free or reduced-price meals by the*  
26 *statewide number of pupils eligible for free or reduced-price meals.*  
27 The administrators of a program established pursuant to this article  
28 may operate during regular schooldays for a minimum of 15 hours  
29 per week and any combination of summer, intersession, or vacation  
30 periods for a minimum of three hours per day for the regular school  
31 year pursuant to Section 8483.7. Grantees administering  
32 comprehensive programs established pursuant to Section 8482.3  
33 are also eligible for funding for summer, intersession, or vacation  
34 periods pursuant to this section.

35 (2) After school and summer funding grants for programs  
36 serving middle and elementary school pupils shall be allocated  
37 according to the same funding provisions, and subject to the same  
38 reporting and accountability provisions, as described in Sections  
39 8483.7 and 8483.75.

(3) Priority shall be given to grant applications that will provide year-round expanded learning programming, including programs that complement existing funded programs. Year-round expanded learning programs are defined as any combination of an applicant that provides year-round programming, an applicant that offers summer programming to complement existing after school programs, or an applicant that offers after school programs to complement existing summer programs. The applicant is not required to be the same entity that operates the existing program, but shall identify the grantee with whom the applicant is coordinating for the purpose of providing year-round programming.

(4) (A) Funding for a grant shall be allocated in annual increments for a period not to exceed five years, subject to annual reporting and recertification as required by the department. The department shall establish a payment system to accommodate upfront payments. The department shall notify new grantees, whose grant awards are contingent upon the appropriation of funds for those grants, in writing no later than May 15 of each year in which new grants are awarded. A first-year grant award shall be made no later than 60 days after enactment of the annual Budget Act and any authorizing legislation. A grant award for the second and subsequent fiscal years shall be made no later than 30 days after enactment of the annual Budget Act and any authorizing legislation. The grantee shall notify the department in writing of its acceptance of the grant.

(B) For the first year of a grant, the department shall allocate 25 percent of the grant for that year no later than 30 days after the grantee accepts the grant. For the second and subsequent years of the grant, the department shall allocate 25 percent of the grant for that year no later than 30 days after the annual Budget Act becomes effective. The grantee shall not use more than 15 percent of an annual grant award for administrative costs.

(C) In addition to the funding allowed for administrative costs under subparagraph (B), up to 15 percent of the initial annual grant award for each after school grant recipient may be used for startup costs.

(D) Under no circumstance shall funding made available pursuant to subparagraphs (B) and (C) result in an increase in the total funding of a grantee above the approved grant amount.

1 (5) A grantee shall identify the federal, state, and local programs  
2 that will be combined or coordinated with the proposed program  
3 for the most effective use of public resources, and shall prepare a  
4 plan for continuing the program beyond federal grant funding.

5 (6) A grantee shall submit semiannual attendance data and  
6 results to facilitate evaluation and compliance in accordance with  
7 provisions established by the department.

8 (7) A program receiving a grant under this subdivision is not  
9 assured of grant renewal from future state or federal funding at  
10 the conclusion of the grant period. However, priority for funding  
11 pursuant to this subdivision shall be given to programs with  
12 expiring grants, if those programs have satisfactorily met projected  
13 pupil outcomes pursuant to subdivision (a) of Section 8484.

14 (f) A total annual grant award for after school funding and grants  
15 for a site serving elementary or middle school pupils shall be fifty  
16 thousand dollars (\$50,000) per year or more, consistent with federal  
17 requirements.

18 (g) Notwithstanding any other law, and contingent upon the  
19 availability of funding, the department may adjust the after school  
20 grant cap of any grantee based upon one or both of the following:

21 (1) Amendments made to this section by Chapter 555 of the  
22 Statutes of 2005.

23 (2) The demonstrated pupil attendance pattern of the grantee.  
24 The department may adjust grant awards pursuant to subparagraph  
25 (A) of paragraph (1) of subdivision (a) of Section 8483.7.

26 (h) Funds received but unexpended under this article may be  
27 carried forward to subsequent years consistent with federal  
28 requirements. In year one, the full grant may be retained.

29 (i) If funds remain after all of the priority allocations required  
30 pursuant to subdivisions (a), (b), (c), and (e) have been made, the  
31 department may use that money to fund additional qualified grant  
32 applications under subdivision (c), in order to ensure that all federal  
33 funds received for these purposes are expended for these purposes.  
34 If funds remain after additional qualified grant applications are  
35 approved for funding pursuant to subdivision (c), the department  
36 may award the remaining funds for additional qualified grant  
37 applications pursuant to subdivisions (b) and (e).

38 (j) In any fiscal year in which the total state appropriation for  
39 that fiscal year exceeds the total state appropriation for the 2008–09  
40 fiscal year after funds have been allocated pursuant to subdivision

(a), the excess amount shall be allocated on a priority basis for after school grants to community learning centers funded pursuant to Section 8421 as follows:

(1) Thirty-five percent to community learning centers serving high school pupils.

(2) Fifty percent to community learning centers serving elementary and middle school pupils.

(3) Fifteen percent to summer programs serving elementary and middle school pupils.

(k) This article shall be operative only to the extent that federal funds are made available for the purposes of this article. It is the intent of the Legislature that this article not be considered a precedent for general fund augmentation of either the state administered, federally funded program of this article, or any other state funded before or after school program.

SECTION 1. ~~Section 8423 of the Education Code is amended to read:~~

~~8423. (a) (1) The department shall select grantees to participate in the 21st Century High School After School Safety and Enrichment for Teens program from among applicants that apply on forms and in a manner prescribed by the department. To the extent possible, the selection of applicants by the department shall result in an equitable distribution of grant awards to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of the state.~~

~~(2) For purposes of paragraph (1), the following terms shall have the following meanings:~~

~~(A) "Central California" means California County Superintendents Educational Services Association regions five to eight, inclusive.~~

~~(B) "Northern California" means California County Superintendents Educational Services Association regions one to four, inclusive.~~

~~(C) "Southern California" means California County Superintendents Educational Services Association regions 9 to 11, inclusive.~~

~~(D) "Urban and rural areas" shall be as defined by the United States Census Bureau.~~

~~(b) The department shall consider the following criteria in awarding grants:~~

1 ~~(1) Strength of the educational element and coordination with~~  
2 ~~state academic standards, preparation for the high school exit~~  
3 ~~examination, and other academic interventions.~~

4 ~~(2) Strength of the enrichment element.~~

5 ~~(3) Evidence of community collaboration, including~~  
6 ~~demonstrated support of the principal and staff from participating~~  
7 ~~schools.~~

8 ~~(4) A description of the manner in which programs will provide~~  
9 ~~a safe physical and emotional environment and opportunities for~~  
10 ~~relationship building, and promote active pupil engagement.~~

11 ~~(5) A description of the manner in which the program design~~  
12 ~~will be periodically reexamined in order to maintain strong pupil~~  
13 ~~interest.~~

14 ~~(6) A description of plans to attract pupils, particularly pupils~~  
15 ~~considered at risk or in need of academic support, on a regular~~  
16 ~~basis.~~

17 ~~(e) The application shall certify all of the following:~~

18 ~~(1) Completion of an assessment of pupils' preferences for~~  
19 ~~program activities.~~

20 ~~(2) Access to, and availability of, computers and technology.~~

21 ~~(3) Inclusion of a nutritional snack, meal, or both, and a physical~~  
22 ~~activity element.~~

23 ~~(4) That the program will meet all of the evaluation~~  
24 ~~requirements.~~

25 ~~(5) Fiscal accountability.~~

26 ~~(6) Collection and use of pupil social, behavioral, or skill~~  
27 ~~development data collection to support quality program~~  
28 ~~improvement processes. These pupil data outcomes may relate to~~  
29 ~~specific social-emotional competencies, including, but not~~  
30 ~~necessarily limited to, social skills, self-control, academic mindset,~~  
31 ~~perseverance, conflict resolution, and school-connectedness.~~

32 ~~SEC. 2. Section 8426 of the Education Code is amended to~~  
33 ~~read:~~

34 ~~8426. (a) (1) A grantee that establishes a program pursuant~~  
35 ~~to this chapter is eligible to receive a five-year grant of up to two~~  
36 ~~hundred fifty thousand dollars (\$250,000) per year per site in a~~  
37 ~~program, subject to semiannual attendance reporting. Funding for~~  
38 ~~a grant shall be allocated in annual increments for a period of not~~  
39 ~~more than five years, contingent upon the availability and~~  
40 ~~appropriation of federal funds by the Legislature for those grants.~~

~~(2) The department shall notify new grantees of their award status and dollar amount of the award, if any, in writing on or before May 15 of each year in which new grants are awarded. The grantee shall notify the department in writing of its acceptance of the grant.~~

~~(3) A first-year grant award shall be made no later than 60 days after enactment of the annual Budget Act and any authorizing legislation. A grant award for the second and subsequent fiscal years shall be made no later than 30 days after enactment of the annual Budget Act and any authorizing legislation.~~

~~(b) The department shall allocate 25 percent of the grant amount each year no later than 30 days after the grant award acceptance letter is received by the department.~~

~~(c) (1) Not more than 15 percent of each annual grant amount may be used by a grantee for administrative costs. For purposes of this article, administrative costs shall include indirect costs. Indirect costs shall not exceed the lesser of the following:~~

~~(A) The grantee's indirect cost rate, as approved by the department for the appropriate fiscal year.~~

~~(B) Five percent of the state program funding received pursuant to this article.~~

~~(2) In addition to the funding allowed for administrative costs pursuant to paragraph (1), up to 15 percent of the first year's annual grant award for each after-school grant recipient may be used for startup costs.~~

~~(3) Funding made available pursuant to this subdivision shall not result in an increase in the total funding of a grantee above the approved grant amount.~~

~~(d) Grantees are subject to semiannual attendance reporting during each year of the grant.~~

~~(1) The department shall provide technical support for development of a program improvement plan for grantees under either of the following conditions:~~

~~(A) If actual pupil attendance falls below 75 percent of the proposed levels in any year of the grant.~~

~~(B) If the grantee fails, in any year of the grant, to demonstrate measurable outcomes pursuant to Section 8427.~~

~~(2) If the actual pupil attendance falls below 75 percent of the proposed attendance level at the end of the second year of the grant, the department may reduce funding for the grantee.~~

1     ~~(3) The department shall adjust the grant level of any school in~~  
2     ~~the program that is under its proposed attendance level by more~~  
3     ~~than 15 percent in each of two consecutive years.~~

4     ~~(4) In any year, after the first grant-year period, that the actual~~  
5     ~~attendance level of a school within the program falls below 75~~  
6     ~~percent of the proposed attendance level, the department shall~~  
7     ~~perform a review of the program and may adjust the grant level~~  
8     ~~as the department deems appropriate.~~

9     ~~(e) Notwithstanding any other provision of this section or any~~  
10    ~~other law, the department may at any time terminate the grant of~~  
11    ~~a school in a public school program that fails in three consecutive~~  
12    ~~years to meet either of the following requirements:~~

13    ~~(1) Demonstrate program outcomes pursuant to Section 8427.~~

14    ~~(2) Attain 75 percent of its proposed attendance levels after~~  
15    ~~having its program reviews and grant level adjusted by the~~  
16    ~~department.~~

17    ~~(f) The department shall create a process to allow a grantee to~~  
18    ~~voluntarily lower its annual grant amount if one or more sites are~~  
19    ~~unable to meet the proposed pupil attendance levels by the end of~~  
20    ~~the second year of the grant.~~

21    ~~(g) (1) The administrator of a program may supplement, but~~  
22    ~~not supplant, existing funding for after school programs with grant~~  
23    ~~funds awarded pursuant to this article.~~

24    ~~(2) In addition to administrative costs, a program participant~~  
25    ~~may expend up to the greater of 6 percent of its state funding or~~  
26    ~~seven thousand five hundred dollars (\$7,500) to collect outcome~~  
27    ~~data for evaluation and for reports to the department.~~

28    ~~(3) All state funding awarded to a program pursuant to this~~  
29    ~~article that remains after subtracting the administrative costs,~~  
30    ~~startup costs, and outcome data costs authorized by subdivisions~~  
31    ~~(c) and (d) shall be allocated to the program site for direct services~~  
32    ~~to pupils.~~

33    ~~(h) When determining grant award amounts after each grant~~  
34    ~~year, the department may consider whether a program is operating~~  
35    ~~consistent with the terms of its application, including whether the~~  
36    ~~number of pupils served on a regular basis is consistent with the~~  
37    ~~number estimated, and may consider the strength of any~~  
38    ~~justifications or future plans offered by the program to address~~  
39    ~~inconsistencies with the terms of the application. If the department~~  
40    ~~finds that a program is not operating consistent with the terms of~~

1 its application, the department may take appropriate action,  
2 including denying grant awards or reducing the level of grant  
3 funding.

4 (i) The department may withhold or terminate the grant  
5 allocation of any site or program that does not comply with audit  
6 resolutions, fiscal reporting, attendance reporting, or outcomes  
7 reporting requirements required by the department.

8 SEC. 3. Section 8483.3 of the Education Code, as amended by  
9 Section 14 of Chapter 370 of the Statutes of 2014, is amended to  
10 read:

11 8483.3. (a) The department shall select applicants to participate  
12 in the program established pursuant to this article from among  
13 applicants that apply on forms and in a manner prescribed by the  
14 department. It is the intent of the Legislature that the manner  
15 prescribed by the department, to the extent possible, allow for short  
16 and concise applicant responses.

17 (b) The department shall consider the following in selecting  
18 schools to participate in the program established pursuant to this  
19 article:

20 (1) Percentage of pupils eligible for free and reduced-price  
21 lunch.

22 (2) Other indicators of need for the program, including, but not  
23 limited to, socioeconomic status of the neighborhoods in which  
24 participating pupils reside, the percentage of English language  
25 learners at the school, and the availability of programs in the  
26 community in which participating pupils reside.

27 (c) The application shall certify all of the following:

28 (1) Inclusion of an educational element.

29 (2) Inclusion of an enrichment element. These opportunities  
30 may include arts, career technical education, recreation, technology,  
31 and other activities to support positive youth development.

32 (3) That the program will provide a safe physical and emotional  
33 environment, opportunities for relationship building, and promote  
34 active pupil engagement.

35 (4) Staff training and development will be provided.

36 (5) Integration with the regular schoolday and other expanded  
37 learning opportunities.

38 (6) Community collaboration, including, but not limited to,  
39 demonstrated support of the schoolsite principal and staff.

40 (7) Opportunities for physical activity.

1 ~~(8) Inclusion of a nutritional snack, meal, or both.~~

2 ~~(9) Fiscal accountability.~~

3 ~~(10) Availability of required local matching funds.~~

4 ~~(11) That the program will meet all of the evaluation~~  
5 ~~requirements.~~

6 ~~(12) Collection and use of pupil social, behavioral, or skill~~  
7 ~~development data collection to support quality program~~  
8 ~~improvement processes. These pupil data outcomes may relate to~~  
9 ~~specific social-emotional competencies, including, but not~~  
10 ~~necessarily limited to, social skills, self-control, academic mindset,~~  
11 ~~perseverance, conflict resolution, and school-connectedness.~~

12 ~~(d) Subdivision (b) does not apply to an applicant school that~~  
13 ~~meets the priority criteria described in subdivision (a) of Section~~  
14 ~~8482.5.~~

15 ~~SEC. 4. Section 8483.7 of the Education Code is amended to~~  
16 ~~read:~~

17 ~~8483.7. (a) (1) (A) Each school that establishes a program~~  
18 ~~pursuant to this article is eligible to receive a three-year after school~~  
19 ~~grant, that shall be awarded in three one-year increments and is~~  
20 ~~subject to semiannual attendance reporting and requirements as~~  
21 ~~described in Section 8482.3 once every three years.~~

22 ~~(i) The department shall provide technical support for~~  
23 ~~development of a program improvement plan for grantees under~~  
24 ~~the following conditions:~~

25 ~~(I) If actual pupil attendance falls below 75 percent of the target~~  
26 ~~attendance level in any year of the grant.~~

27 ~~(II) If the grantee fails, in any year of the grant, to demonstrate~~  
28 ~~measurable outcomes pursuant to Section 8484.~~

29 ~~(ii) The department shall adjust the grant level of any school~~  
30 ~~within the program that is under its targeted attendance level by~~  
31 ~~more than 15 percent in each of two consecutive years.~~

32 ~~(iii) In any year after the initial grant year, if the actual~~  
33 ~~attendance level of a school within the program falls below 75~~  
34 ~~percent of the target attendance level, the department shall perform~~  
35 ~~a review of the program and adjust the grant level as the department~~  
36 ~~deems appropriate.~~

37 ~~(iv) The department shall create a process to allow a grantee to~~  
38 ~~voluntarily lower its annual grant amount if one or more sites are~~  
39 ~~unable to meet the proposed pupil attendance levels by the end of~~  
40 ~~the second year of the grant.~~

~~(v) A grantee who has had its grant amount reduced may subsequently request an increase in funding up to the maximum grant amounts provided under this subdivision.~~

~~(vi) The department may withhold or terminate the grant allocation of any site or program that does not comply with audit resolutions, fiscal reporting, attendance reporting, or outcomes reporting requirements required by the department.~~

~~(vii) Notwithstanding any other provision of this subdivision or any other law, after the technical assistance required under clause (i) has been provided, the department may at any time terminate the grant of a school in a program that fails for three consecutive years to meet either of the following requirements:~~

~~(I) Demonstrate measurable program outcomes pursuant to Section 8484.~~

~~(II) Attain 75 percent of its proposed attendance level after having had its program reviewed and grant level adjusted by the department.~~

~~(B) After school grants may be awarded to applicants that have demonstrated readiness to begin operation of a program or to expand existing programs.~~

~~(C) The maximum total after school grant amount awarded annually pursuant to this paragraph shall be one hundred twelve thousand five hundred dollars (\$112,500) for each regular school year for each elementary school and one hundred fifty thousand dollars (\$150,000) for each regular school year for each middle or junior high school. The Superintendent shall determine the total annual after school grant amount for which a site is eligible based on a formula of seven dollars and fifty cents (\$7.50) per pupil per day of pupil attendance that the program plans to serve, with a maximum total grant of thirty-seven dollars and fifty cents (\$37.50) per projected pupil per week, and a formula of seven dollars and fifty cents (\$7.50) per projected pupil per day of staff development, with a maximum of three staff development days per year. A program may provide the three days of staff development during regular program hours using funds from the total grant award.~~

~~(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):~~

1     (A) For elementary schools, multiply one hundred thirteen  
2 dollars (\$113) by the number of pupils enrolled at the schoolsite  
3 for the normal schoolday program that exceeds 600.

4     (B) For middle schools, multiply one hundred thirteen dollars  
5 (\$113) by the number of pupils enrolled at the schoolsite for the  
6 normal schoolday program that exceeds 900.

7     (3) The maximum total grant amounts set forth in subparagraph  
8 (C) of paragraph (1) may be increased from any funds made  
9 available for this purpose in the annual Budget Act for participating  
10 schools that have pupils on waiting lists for the program. Grants  
11 may be increased by the lesser of an amount that is either 25  
12 percent of the current maximum total grant amount or equal to the  
13 proportion of pupils unserved by the program as measured by  
14 documented waiting lists as of January 1 of the previous grant  
15 year, compared to the actual after school enrollment on the same  
16 date. The amount of the required cash or in-kind matching funds  
17 shall be increased accordingly. First priority for an increased  
18 maximum grant pursuant to this paragraph shall be given to schools  
19 that qualify for funding pursuant to subdivision (b) of Section  
20 8482.55. Second priority shall be given to schools that receive  
21 funding priority pursuant to subdivision (f) of Section 8482.55.

22     (4) The minimum total after school grant amount for each  
23 schoolsite that may be awarded pursuant to this section shall be  
24 computed by multiplying the applicable rate per pupil per day of  
25 pupil attendance by 20 pupils being served for 180 regular  
26 schooldays.

27     (5) A school that establishes a program pursuant to this section  
28 is eligible to receive a summer grant to operate the program in  
29 excess of 180 regular schooldays or during any combination of  
30 summer, intersession, or vacation periods for a maximum of the  
31 lesser of the following amounts:

32     (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

33     (B) Thirty percent of the total grant amount awarded to the  
34 school per school year pursuant to subparagraph (C) of paragraph  
35 (1).

36     (C) Notwithstanding subparagraphs (A) and (B), the maximum  
37 total summer grant that may be awarded annually pursuant to this  
38 paragraph shall be thirty-three thousand seven hundred fifty dollars  
39 (\$33,750) for each regular school year for each elementary school

1 and forty-five thousand dollars (\$45,000) for each regular school  
2 year for each middle or junior high school.

3 ~~(6) Additional funding may be made available for transportation~~  
4 ~~in programs that meet the requirements of Section 8484.65, in an~~  
5 ~~amount not to exceed fifteen thousand dollars (\$15,000) per site,~~  
6 ~~per school year, as funds are available, in accordance with the local~~  
7 ~~community after school program needs as determined by the~~  
8 ~~department. Programs shall submit to the department for~~  
9 ~~consideration evidence of the need for after school transportation~~  
10 ~~funds specific to after school programs pursuant to this article.~~  
11 ~~Funding under this paragraph may be used to supplement, but not~~  
12 ~~supplant, local transportation services.~~

13 ~~(7) Each program shall provide an amount of cash or in-kind~~  
14 ~~local funds equal to not less than one-third of the total grant from~~  
15 ~~the school district, governmental agencies, community~~  
16 ~~organizations, or the private sector. Facilities or space usage may~~  
17 ~~fulfill not more than 25 percent of the required local contribution.~~

18 ~~(8) (A) A grantee may allocate, with departmental approval,~~  
19 ~~up to 125 percent of the maximum total grant amount for an~~  
20 ~~individual school, so long as the maximum total grant amount for~~  
21 ~~all school programs administered by the program grantee is not~~  
22 ~~exceeded.~~

23 ~~(B) A program grantee that transfers funds for purposes of~~  
24 ~~administering a program pursuant to subparagraph (A) shall have~~  
25 ~~an established waiting list for enrollment, and may transfer only~~  
26 ~~from another school program that has met a minimum of 70 percent~~  
27 ~~of its attendance goal.~~

28 ~~(b) The administrator of a program established pursuant to this~~  
29 ~~article may supplement, but not supplant, existing funding for after~~  
30 ~~school programs with grant funds awarded pursuant to this article.~~  
31 ~~State categorical funds for remedial education activities shall not~~  
32 ~~be used to make the required contribution of local funds for those~~  
33 ~~after school programs.~~

34 ~~(c) Up to 15 percent of the initial year's grant amount for each~~  
35 ~~grant recipient may be used for startup costs. Under no~~  
36 ~~circumstance shall funding for startup costs result in an increase~~  
37 ~~in the grant recipient's total funding above the approved grant~~  
38 ~~amount.~~

1     ~~(d) For each year of the grant, the department shall award the~~  
2     ~~total grant amount for that year not later than 30 days after the date~~  
3     ~~the grantee accepts the grant.~~

4     ~~(e) The department may adjust the amount of a direct grant,~~  
5     ~~awarded to a new applicant pursuant to this section, on the basis~~  
6     ~~of the program start date, as determined by the department.~~

7     ~~SEC. 5. Section 8484 of the Education Code is amended to~~  
8     ~~read:~~

9     ~~8484. (a) As required by the department, programs established~~  
10    ~~pursuant to this article shall submit annual outcome-based data for~~  
11    ~~evaluation. The department may consider these outcomes when~~  
12    ~~determining eligibility for grant renewal.~~

13    ~~(1) To demonstrate program effectiveness, grantees shall submit,~~  
14    ~~using the unique statewide pupil identifiers, for participating pupils~~  
15    ~~who are unduplicated pupils, both of the following:~~

16    ~~(A) Schoolday attendance on an annual basis.~~

17    ~~(B) Program attendance on a semiannual basis.~~

18    ~~(2) Programs shall submit evidence of a data-driven program~~  
19    ~~quality improvement process that is based on the department's~~  
20    ~~guidance on program quality standards developed pursuant to~~  
21    ~~paragraph (3).~~

22    ~~(3) The department may develop additional measures for this~~  
23    ~~subdivision, including, but not limited to, program quality~~  
24    ~~standards. Additions shall be developed in consultation with the~~  
25    ~~evaluation committee of the advisory committee.~~

26    ~~(4) Programs shall submit information adopted through the~~  
27    ~~process outlined in subdivision (c).~~

28    ~~(b) (1) If a program consistently fails to demonstrate measurable~~  
29    ~~program outcomes for three consecutive years, the department~~  
30    ~~may terminate the program as described in subdivision (a) of~~  
31    ~~Section 8483.7. The department shall consider multiple outcomes~~  
32    ~~and not rely on one outcome in isolation.~~

33    ~~(2) For purposes of this section, "consistently fails to~~  
34    ~~demonstrate measurable program outcomes" means failure to meet~~  
35    ~~program effectiveness requirements pursuant to the criteria in~~  
36    ~~paragraphs (1) and (2) of subdivision (a).~~

37    ~~(3) Measurable program outcomes may be demonstrated by,~~  
38    ~~but are not limited to, comparing pupils participating in the~~  
39    ~~program to nonparticipating pupils at the same schoolsite.~~

1     ~~(e) The department shall develop standardized procedures and~~  
2 ~~tools to collect the indicators in paragraphs (1) and (2) of~~  
3 ~~subdivision (a). The department shall consult with the evaluation~~  
4 ~~committee of the Advisory Committee on Before and After School~~  
5 ~~Programs pursuant to Section 8484.9.~~

6     ~~(d) (1) To the extent possible, the selection of applicants by the~~  
7 ~~department pursuant to this article shall result in an equitable~~  
8 ~~distribution of grant awards to applicants in northern, southern,~~  
9 ~~and central California, and in urban, suburban, and rural areas of~~  
10 ~~the state.~~

11     ~~(2) For purposes of paragraph (1), the following terms shall~~  
12 ~~have the following meanings:~~

13     ~~(A) “Central — California” means — California — County~~  
14 ~~Superintendents Educational Services Association regions five to~~  
15 ~~eight, inclusive.~~

16     ~~(B) “Northern — California” means — California — County~~  
17 ~~Superintendents Educational Services Association regions one to~~  
18 ~~four, inclusive.~~

19     ~~(C) “Southern — California” means — California — County~~  
20 ~~Superintendents Educational Services Association regions 9 to 11,~~  
21 ~~inclusive.~~

22     ~~(D) “Urban and rural areas” shall be as defined by the United~~  
23 ~~States Census Bureau.~~